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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/31/2000

Albert Daniel Duree

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10/27/2005

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EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/702,576

Applicant(s)

DUREE ET AL.

Examiner

Phirin Sam

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-19,21-27 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-19,21-27 and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 5-9, 11, 12, 15-19, 23-27, 29, 30, and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,137,800 (hereinafter referred as “Wiley”).

Wiley discloses the invention (**amended claim 1**) as claimed including a communication system comprising:

- (a) a first signaling processor configured to receive and process call signaling to generate and transfer a first control message indicating an identifier (see Figs. 1-2, col. 10, lines 16-29);
- (b) a first inter-working unit configured to receive voice-band communications and the first control message, determine if initial voice-band processing is required by perform the initial voice band processing if required a convert the voice-band communications asynchronous

Art Unit: 2661

communications with the identifier and with a processing indicator indicating if the initial voice-band processing was performed, and transfer the asynchronous communications (see Fig. 2, col. 12, lines 1-20);

(c) a second inter-working unit configured to receive the asynchronous communications, convert the asynchronous communications into the voice-band communications, determine if the initial voice-band processing was performed based on the processing indicator, perform additional voice-band processing if the initial voice-band processing was performed, and transfer the voice-band communications (see Fig. 2, col. 13, lines 24-44).

Regarding claims 5, 15, 23, and 33, Wiley discloses the initial voice-band processing comprises echo cancellation (see Fig. 2, col. 12, lines 21-26).

Regarding claims 6, 16, 24, and 34, Wiley discloses the identifier indicates an ATM connection, the asynchronous communications comprise ATM communications (see Fig. 2, col. 8, lines 1-13, col. 12, lines 38-52), and the first inter-working unit is configured to transfer the ATM communications over the ATM connection (see Fig. 2, col. 12, lines 1-9).

Regarding claims 7, 17, 25, and 35, Wiley discloses the processing indicator comprises an ATM convergence sub-layer indicator (see Figs. 5 and 6, col. 19, lines 16-20, 29-35).

Regarding claims 8, 12, 18, 26, 30, and 36, Wiley discloses the call signaling comprises an initial address message (see element IAM, col. 23, lines 36-67).

Regarding claims 9 and 27, Wiley discloses the first signal processor is configured to receive and process the call signaling to generate and transfer the first control message indicating a type of the initial voice band processing (see Figs. 1 and 2, col. 10, lines 16-29); and the first inter-working unit is configured to determine if the initial voice-band processing is required and

Art Unit: 2661

perform the type of the initial voice-band processing based on the first control message (see Fig. 2, col. 12, lines 1-6).

Regarding claims 11 and claim 29, Wiley discloses a communication system comprising:

- (a) a first signaling processor configured to receive and process call signaling to generate and transfer a first control message indicating an identifier (see Figs. 1-2, col. 10, lines 16-29);
- (b) a second signaling processor configured to receive and process the signaling message to generate and transfer a second control message indicating the identifier and the type of the voice band processing (see Figs. 3 and 4, elements 312 and 410, col. 17, lines 64-66, and col. 18, lines 10-17); Wherein the second processor perform the same as first processor;
- (b) a first inter-working unit configured to receive voice-band communications and the first control message, determine if initial voice-band processing is require by perform the initial voice band processing if required a convert the voice-band communications asynchronous communications with the identifier and with a processing indicator indicating if the initial voice-band processing was performed, and transfer the asynchronous communications (see Fig. 2, col. 12, lines 1-20);
- (c) a second inter-working unit configured to receive the asynchronous communications, convert the asynchronous communications into the voice-band communications, determine if the initial voice-band processing was performed based on the processing indicator, perform additional voice-band processing if the initial voice-band processing was performed, and transfer the voice-band communications (see Fig. 2, col. 13, lines 24-44).

Regarding amended claim 19, Wiley discloses a method of operating a communication system, the method comprising:

- (a) receiving and processing call signaling, and in response, generating and transferring a first control message indicating an identifier (see Figs. 1-2, col. 10, lines 16-29);
- (b) receiving voice-band communications and the first control message (see Fig. 2, col. 12, lines 1-9);
- (c) determining if initial voice-band processing is required and performing the initial voice-band processing if required (see Fig. 2, col. 12, lines 4-9);
- (d) converting the voice-band communications into asynchronous communications with the identifier and with a processing indicating if the initial voice band processing was performed (see Fig. 2, col. 12, lines 10-12);
- (e) transferring the asynchronous communications (see Fig. 2, col. 12, lines 18-20);
- (f) receiving the asynchronous communications (see Fig. 2, col. 13, lines 24-27);
- (g) converting the asynchronous communications into the voice-band communications (see Fig. 2, col. 13, lines 40-42);
- (h) determining if the initial voice-band processing was performed based on the processing indicator and performing additional voice-band processing if the initial voice-band processing was performed (see Fig. 2, col. 13, lines 24-44).
- (j) transferring the voice-band communications (see Fig. 2, col. 13, lines 42-44).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2661

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3, 4, 13, 14, 21, 22, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,137,800 (hereinafter referred as "Wiley") in view of US Patent 6,487,200 (hereinafter referred as "Fraser").

Regarding claims 3, 4, 13, 14, 21, 22, 31, and 32 Wiley discloses encryption and compression. On the other hand, Wiley does not disclose decryption and decompression. However, Fraser discloses decompression and decryption (see Fig. 4, col. 13, lines 4-24). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine decompression and decryption teaching by Fraser with Wiley. The motivation for doing so would have been to provide to improve the bandwidth and security protection. Therefore, it would have been obvious to combine Fraser and Wiley to obtain the invention as specified in the claims 3, 4, 13, 14, 21, 22, 31, and 32.

Art Unit: 2661

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) US Patent 5,623,491 (Skoog) discloses device for adapting narrowband voice traffic of a local access network to allow transmission over a broadband ATM network.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: October 26, 2005

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**